

76/357,067  
64,803-004

WAB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: 76/357,067  
Applicant: Allied Domecq Spirits & Wine Limited  
Filed: 01/10/2002  
Published: 10/08/2002  
Mark: BALLANTINE'S  
Goods:



12-04-2002

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #76

Small items of metal hardware, namely key rings, key chains and piggy banks (IC 6); Cameras, digital cameras, moving picture cameras; blank audio tapes and discs, pre-recorded audio tapes featuring music, pre-recorded discs featuring images and music; calculators (IC 9); Furniture, furniture mirrors, hand mirrors and picture frames (IC 20); Bath brushes, hair brushes, clothes brushes, crumb brushes, cosmetic brushes, dusting brushes, floor brushes, shoe brushes; boxes for dispensing paper towels; crumb trays, butler's trays, serving trays, not of precious metals; napkin holders; napkin rings not of precious metals; earthenware namely plates, dishes, cookie jars, saucers and cups; hair combs; sponges for household purposes, sponges for applying body powder; figurines made of china, crystal, earthenware, glass, ceramic and porcelain; non-metal piggy banks; tankards not of precious metals; beer mugs, egg cups, shot glasses and beverage glassware; bowls, buckets, ice buckets, ice pails, whisks, food containers, coasters, coffee cups; portable coolers and portable beverage coolers; toothpicks and toothpick holders; corkscrews; cruet sets, candlesticks, candle holders and candelabras, not of precious metals (IC 21); Board games, card games and action-skill games; toys, namely action figures, stuffed animals, dolls, miniature trucks and cars; decorations for Christmas trees (IC 28); Jellies, jams, fruit sauces; eggs, milk and dairy products excluding ice cream, ice milk and frozen yogurt (IC 29); Coffee, tea, cocoa, sugar, rice, bread, pastry and candy, bakery products, bubble gum, chewing gum, popped and unpopped popcorn, ice cream, flavored ices, puddings, edible and candy cake decorations (IC 30); Restaurant and carry-out food services; hotel services, bed and breakfast services, motel services (IC 43).

Box TTAB NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**SECOND REQUEST FOR EXTENSION OF TIME  
TO FILE NOTICE OF OPPOSITION**

**CERTIFICATE OF EXPRESS MAIL**

Express Mail Label No.: EU843549905US

Date of Deposit: December 4, 2002

I hereby certify that this *Second Request for Extension of Time to File Notice of Opposition* is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope address to Box TTAB NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Alesia A. Mungons

76/357,067  
64,803-004

Sir/Madam:

In accordance with 37 C.F.R. § 2.102, Potential Opposer, Ballantyne Foods, Inc., an Australian company with an address of 39 Ballantyne Street, South Melbourne, Victoria 3205 Australia, by and through its attorneys, hereby requests that the Board grant a 60-day extension of time within which to file a Notice of Opposition to registration of the above-identified mark.

A 30-extension of the opposition period was granted, extending the expiration date of said period to December 7, 2002. Potential Opposer now requests a 60-day extension of the opposition period to February 5, 2003.

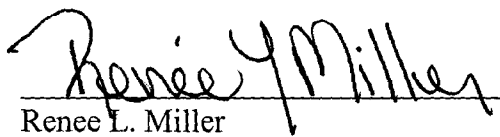
This request is not meant to delay the registration of the mark at issue. Rather, the extension is necessary in order for Ballantyne Foods, Inc. to further investigate the matter and to evaluate the necessity of filing a Notice of Opposition. Further, this extension is necessary due the difficulty of communication between Ballantyne Foods and its United States counsel due to the fact that Ballantyne Foods is located in Australia.

In view of the foregoing, Potential Opposer requests that the Request for Extension of Time be approved.

This request is being submitted in triplicate as is required by 37 C.F.R. § 2.102(d) (original plus two copies).

Respectfully submitted,

Date: December 4, 2002

  
Renee L. Miller  
Attorney for Potential Opposer  
Dykema Gossett PLLC  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304-5086  
(248) 203-0868  
rlmiller@dykema.com

BH01\363087.1  
IDVLDQ